



## MILPITAS PLANNING COMMISSION STAFF REPORT

March 9, 2016

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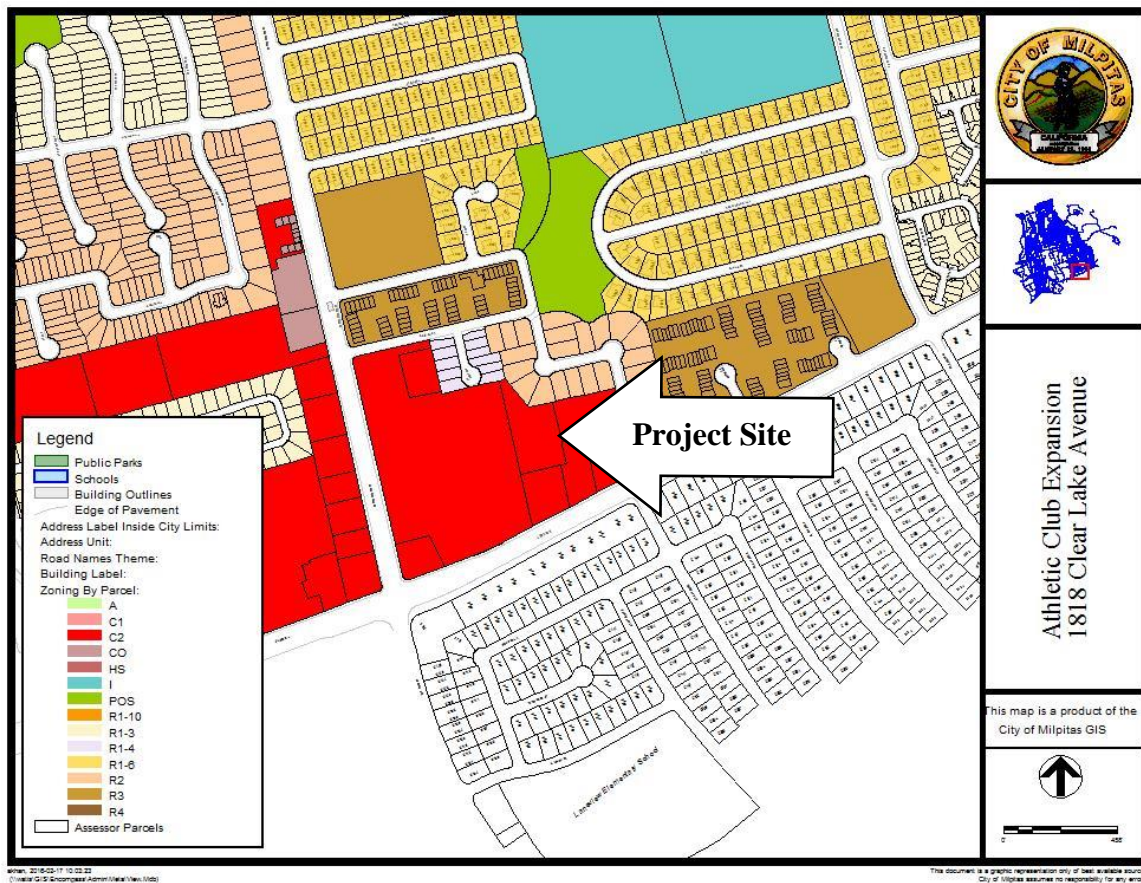
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|---------------------------|--|
| <b>APPLICATION:</b>       | <b>Athletic Club Expansion – 1818 Clear Lake Avenue – SD15-0007, P-UP16-0001 and MC15-0012</b> - A request for a Site Development Permit, Conditional Use Permit and a Minor Conditional Use Permit to construct a 13,129 square foot second story addition to an existing single-story athletic club. The project proposes to remodel approximately 8,000 square feet of the first floor to accommodate a new after school facility and increase the Floor Area Ratio (FAR) at 1818 Clear Lake Avenue, Zoned General Commercial (C2). This project is categorically exempt from further CEQA review pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. |
| <b>RECOMMENDATION:</b>    | <b>Staff recommends the Planning Commission adopt Resolution No. 16-004 approving Site Development Permit No. SD15-0007, Conditional Use Permit No. UP16-0001 and Minor Conditional Use Permit No. MC15-0012 subject to the attached Conditions of Approval.</b>   |
| <b>LOCATION:</b>          |  |
| Address/APN:              | 1818 Clear Lake Avenue (APN 088-43-026)  |
| Area of City:             | South East side, bordering North San Jose  |
| <b>PEOPLE:</b>            |  |
| Project Applicant:        | Yorke Lee  |
| Property/Business Owner:  | Timespace Milpitas Development LLC   |
| Project Planner:          | Azhar Khan, Junior Planner   |
| <b>LAND USE:</b>          |  |
| General Plan Designation: | General Commercial (GNC)   |
| Zoning District:          | General Commercial (C2)  |
| Overlay District:         | Site and Architectural Overlay (-S)  |
| <b>ENVIRONMENTAL:</b>     | Categorically Exempt from further environmental review pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA).   |

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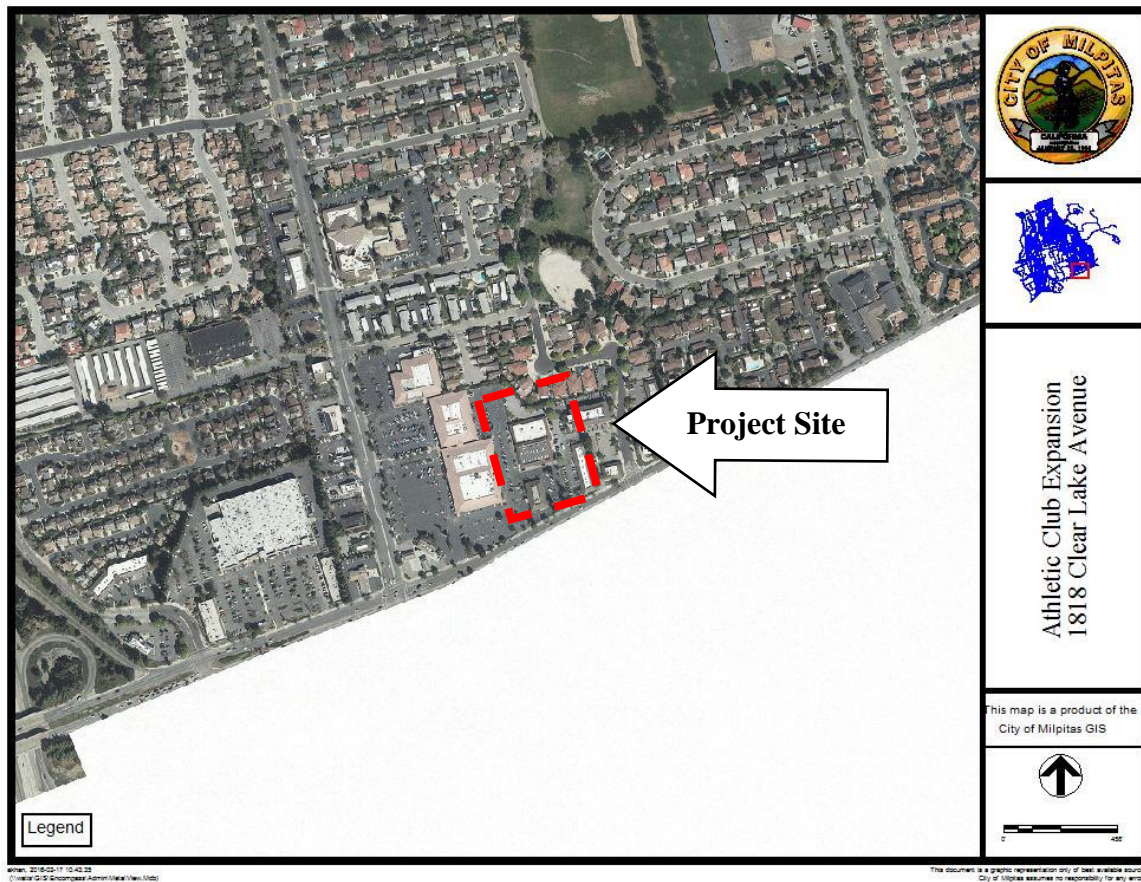
## EXECUTIVE SUMMARY

The applicant is requesting a Site Development Permit, a Conditional Use Permit and a Minor Conditional Use Permit to allow for an expansion of an existing athletic club into a new upper level with the addition of after school facility on the ground floor. The project also includes exterior modifications, on-site improvements and construction of a new trash enclosure. The expansion into the second floor would be 13,129 square feet and the ground floor after school facility would be approximately 8,000 square feet. The project requires approval of a Site Development Permit for the expansion of the existing building; Conditional Use Permit for an increase in the maximum permitted total Floor Area Ratio (FAR) from the allowed FAR of 0.50 (50%) to 0.66 (66%); and a Minor Conditional Use Permit for the after school facility.

Map 1  
**Zoning Map**



Map 2  
**Aerial Map**





**Photo 1**  
**Existing Front Entrance looking south west**



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## **BACKGROUND**

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### ***History***

The building was originally constructed as a fitness center and health spa as approved on March 16, 1978. The athletic club facility obtained building permits for the construction of two indoor swimming pools for Milpitas Fitness Center on February 27, 2012.

### ***The Application***

- *Site Development Permit:* To allow for an addition of 13,129 square feet to an existing athletic club facility with exterior modifications and on-site improvements.
- *Conditional Use Permit:* To allow an increase in F.A.R.
- *Minor Conditional Use Permit:* To allow the use of an after school facility in the Commercial General zone.

Per Milpitas' Municipal Code Section XI-10-57.03-C(e)(i), additions of 10,000 square feet or greater for non-residential and mixed-use buildings require a Site Development Permit which is required to be reviewed by Planning Commission prior to the issuance of a building permit.

Per Milpitas' Municipal Code Section XI-10-2.03, increase above the maximum allowed FAR can be accommodated through the approval of a Conditional Use Permit.

Per Milpitas' Municipal Code section XI-10-5.02-1 Group Instruction requires a Minor Conditional Use Permit.

## **PROJECT DESCRIPTION**

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### ***Overview***

On August 4, 2015, an application was submitted for the expansion and continuation of an existing athletic club to accommodate a new after school learning center on the ground floor. The expansion would include the existing first floor exercise areas to be relocated to a new 13,129 square foot second floor. The first floor would include a new learning center with 8 classrooms as a separate tenant space than the existing athletic club. The project also proposes on-site improvements such as a new trash enclosure. The proposed project is located on a 1.3-acre parcel commercial shopping center.

### ***Location and Context***

The project site is adjacent to the City of San Jose. The site is located in the Park Town Plaza Shopping Center at the northwest corner of Landess Avenue and Clear Lake Avenue. The site is surrounded by commercial retail pods, a strip mall, and anchor tenants. The project is zoned Commercial General (C2) with a Site and Architectural (-S) Overlay District.

## **PROJECT ANALYSIS**

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### ***General Plan and Zoning Conformance***

#### **General Plan Conformance**

The General Plan Designation for this site is General Commercial (GNC), which provides for a wide range of retail sales, and personal and business services. The use of the project site is consistent with the City's General Plan as it provides for personal services. The increase in FAR is also consistent with the General Plan as section 2.2 of the General Plan allows for the review and approval of any FAR deviations through provisions of the Zoning Ordinance.

#### **Zoning Ordinance Conformance**

The Zoning Designation for this site is General Commercial (C2). The project requires a Site Development permit for any building addition in excess of 10,000 square feet, a Conditional Use Permit for an increase in FAR, and a Minor Conditional Use Permit for the Learning Center.

### ***Development Standards***

The proposed project conforms to the development standards required in the Commercial General (C2) and Site and Architectural (-S) Overlay Zoning Districts. The table below demonstrates that the project is consistent with the development standards.

**Table 1**  
**Summary of Development Standards**

|   | <b>Required</b>                  | <b>Proposed</b> | <b>Complies</b> |
|---|----------------------------------|-----------------|-----------------|
| <u>Setbacks (Minimum)</u>   |                                  |                 |                 |
| Front Setback   | 0'                               | No change       | Yes             |
| Side Setback  | 0'; 15 when abutting residential | No change       | Yes             |
| Rear Setback  | 0' 15 when abutting residential  | No change       | Yes             |
| Building Height   | None                             | 33'             | Yes             |
| Floor Area Ratio  | .50                              | .66             | Yes*            |
| Landscaping   | None                             | No change       | Yes             |
| *With approval of a Conditional Use Permit if the Planning Commission can make the following findings: (1) the proposed development will generate low peak-hour traffic; and (2) will not create a dominating visual prominence. This is discussed in greater detail in the Findings Section below. |                                  |                 |                 |

### ***Site & Architectural Design***

The project will occupy an existing 24,104 square foot building. The existing building includes an aquatics pool, lockers, showers, restrooms, sauna, steam room, kitchen, dining room and exercise areas. The improvements will include 385 square feet of new ground floor space, which includes an expanded entrance for the Learning Center on the east side of the facility and a new enclosed staircase on the west side of the facility. The improvements also include a second story addition of 13,129 square feet. Within the second floor, the project proposes to have one aerobic studio of 2,502 square feet, 7,121 square feet of weight machines, free weights, personal training and cardio areas and restrooms. The second floor also includes a total of 855 square feet of office and sales rooms along with a 295 square feet of conference room. The first floor would have 8 classrooms totaling about 3400 square feet with a 2,432 square foot multi-purpose room.

### ***Exterior***

The project proposes a variety of architectural features including: porcelain tiles along the entrance of the Learning Center, decorative pillar along all facades of the building, flat metal canopies along the first floor and second floor windows, cedar siding across the upper second story addition, cedar siding band across the center wall of existing building, all of which is consistent with the existing shopping center and building architecture.

## ***Parking***

The Project requires a total of 143 parking spaces based on the table below:

**Table 2**  
**Summary of Development Standards**

| Use  | Sq. Ft./No. Class Rooms | Parking Ratio                 | Required Parking  |
|--|-------------------------|-------------------------------|-------------------|
| Athletic Facility                              | 20,233 (Net)            | 1 parking space per 150 s.f   | 135 spaces        |
| Classrooms                                     | 8                       | 1 parking space per classroom | 8 Spaces          |
| <b>Total number of parking spaces required</b> |                         |                               | <b>143 Spaces</b> |
| <b>Total number of parking spaces provided</b> |                         |                               | <b>152 Spaces</b> |

The project provides a total of 152 surface parking spaces which includes two shared parking agreements to allow for a total of 98 shared parking stalls with Parktown Plaza Pak LLC and Milpitas Star Aquatics. Of those 152 spaces, 134 are standard stalls, 5 are handicap accessible, and 13 are compact.

## ***Access & Circulation***

The site is located proximate to Interstate 680. The main point of access to the site is through Landess Avenue. There are multiple shared driveway accesses to the site on Landess Avenue and Clear Lake Avenue. Onsite circulation has been reviewed by staff to ensure ample access for Fire and trash collection requirements.

The project is subject to the Calaveras Boulevard widening impact fee due to the building addition.

## ***Utilities***

### **Solid Waste**

The project includes a new trash enclosure located in the parking lot. It is approximately 360 square feet and the color and materials are conditioned to match the proposed building. The applicant is proposing to have three (3) front load bins, containing a capacity of three (3) cubic yards, and two (2) recycling bins, containing a capacity of three (3) cubic yards.

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## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. The following findings identify the rationale behind staff's recommendation that the Planning Commission approve the project.

### ***Site Development Permit (Section XI-10-57-03-1(F))***

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development;*

The proposed layout of the site and design of the building make use of the existing facility and will not expand the building footprint in a manner harmful to the function of the shopping center or adjacent neighborhood. The expansion of the facility will add 385 square feet to the ground floor and a total height of the 33 feet, which is 5 feet taller than the existing building. The expansion of the athletic facility will be architecturally compatible with the existing building and the surrounding buildings which are primarily one to two story offices and retail spaces. Based on the foregoing, the proposed project is aesthetically harmonious with adjacent and surrounding development.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The project is consistent with the Milpitas Zoning Ordinance as it conforms to the development standards required in the Commercial General (C2) and Site and Architectural (-S) Overlay Districts. Table 1 on page 6 demonstrates how the Project is consistent with these development standards.

- 3. The project is consistent with the Milpitas General Plan.*

The proposed expansion of the athletic facility is consistent with the General Plan Designation of Commercial General (GNC), because it is intended to provide commercial services for personal and business services accessed primarily by the automobile in a shopping center. The project is also consistent with the implementing policies of the General Plan Land Use Element to promote infill development and provide a wide range of retail sales and services.

### ***Conditional Use Permit (Section XI-10-57-04-1)***

#### **Floor Area Ratio (FAR)**

As identified in Table 1, the project exceeds the maximum allowed FAR for the Commercial General (C2) Zoning Designation. As stated in Section XI-10-2.03 of the Milpitas Municipal Code, increase above the maximum allowed FAR can be accommodated through the approval of a Conditional Use Permit. However, the project must demonstrate compliance with the following two items.

- 1. The proposed development will generate low peak-hour traffic.*



The project is proposing an increase in the Floor Area Ratio (F.A.R.) from 0.50 to 0.66. The project is consistent with this finding because based on the City's Traffic Engineer's assessment and reviewing the standards set by the Institute of Transportation Engineers (ITE), the proposed project will not generate more than one hundred peak hour trips. A peak hour trip is defined as the one-hour period of time with the highest volume traffic. The peak hour trips generated by the athletic club and the learning center is consistent with the existing commercial uses in the vicinity.

2. *The proposed development will not create a dominating visual prominence.*

Although the project is proposing an increase in FAR from .50 to .66, the project proposes compatible massing, detail, materials and colors which are compatible with the surrounding offices and businesses in the commercial area.

***Minor Conditional Use Permit (Section XI-10-57-04-1(F))***

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare;*

The proposed educational learning center will serve the community, and, as proposed, have no detrimental or injurious impacts on the property or improvements in the vicinity of the property. The operation of the educational facility will be in compliance with all local, state, and federal regulations.

2. *The project is consistent with the Milpitas General Plan.*

The General Plan designation for the project site is General Commercial (GNC), which provides for wide range of retail sales, and personal and business services. As a commercial use, the proposed project is consistent with City's General Plan.

3. *The project is consistent with the Milpitas Zoning Ordinance*

The project is consistent with the Milpitas Zoning Ordinance as it conforms to the development standards required in the Commercial General (C2) and Site and Architectural (-S) Overlay Districts. Table 1 on page 6 demonstrates how the Project is consistent with these development standards.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff has determined that this project is exempt under CEQA review pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines because the project meets the conditions described in this section based on the Findings of Approval and subject to the Conditions of Approval in Attachment A.

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounding by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

## **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there was one response from the public with concerns to parking. A notice was published in the Milpitas Post on February 26, 2016. In addition, public hearing notices were sent to owners and occupants within 300 feet of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

- 1. Open and Close Public Hearing
- 2. Adopt a Resolution approving Site Development Permit No. 15-0007, Conditional Use Permit No. 16-0001 and Minor Conditional Use Permit No. 15-0012 subject to the Conditions of Approval.

## **ATTACHMENTS**

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- A. Resolution No. 16-004
- B. Plans
- C. Public Correspondence